

## REMARKS

### Status of Claims

Claims 1, 2, 4, 5, 7, 8, 10, 11, 13-15, 21-26, 31, 34, 35 and 38-48 were pending and examined claims 34 and 48 were appealed.

By amendment herein, claim 34 has been amended to specify in the complex between the engineered zinc finger domain and the ligand, the ligand modulates binding of the zinc finger domain to its target site. *See, e.g.*, Example 1.1, Example 1.2, and Example 1.4. Claim 48 has been canceled and presented as new claim 52 with amendments as found in claim 34. In addition, new claims 50, 51, 53 and 54 have been added. Thus, claims 1, 2, 4, 5, 7, 8, 10, 11, 13-15, 21-26, 31, 34, 35, 38-47 and 50 to 54 are pending as shown above and claims 34 and 50-54 are under active examination.

### 35 U.S.C. § 103(a)

The Board affirmed the Examiner's position that previous claims 34 and 48 were obvious over WO 96/06110 (hereinafter "Gilman"). (Board Decision mailed July 2, 2010). The Board's Decision was premised on the previously pending claims, namely claims drawn heterodimers of zinc finger proteins in which binding of the ligand resulted in heterodimerization of two zinc finger proteins. *Id.*

Applicants submit that the foregoing amendments to claim 34 and 48 (new claim 52) fully address and obviate the Board's Decision. In particular, the claims are now drawn to complexes and protein switches in which binding of a ligand to the engineered zinc finger protein modulates binding of the zinc finger protein to its target site.

**CONCLUSION**

For the reasons stated above, Applicants respectfully submit that the pending claims are in condition for allowance.

Respectfully submitted,

Date: September 1, 2010

By: \_\_\_\_\_



Dahna S. Pasternak  
Attorney for Applicant  
Registration No. 41,411

ROBINS & PASTERNAK LLP  
1731 Embarcadero Road Suite 230  
Palo Alto, CA 94303  
Tel.: (650) 493-3400  
Fax: (650) 493-3440